

**REMARKS**

By this Amendment, Applicant has amended claims 16, 29, and 32, and added claims 33 and 34. Claim 29 has been amended to correct a minor informality. The amendments to claims 16 and 32 and features of claims 33 and 34 are supported in the originally filed application, for example, in the as-filed specification at paragraphs [0012], [0015], [0020], [0022], [0030], [0044], [0051]-[0054], and [0076] and in Figs. 3A and 3B.

As an initial matter, Applicant would like to thank Examiner Nguyen for the indication of allowable subject matter in claims 17 and 19-30. Applicant also would like to thank the Examiner for the courtesies extended to Applicant's representatives during the telephonic interview on August 4, 2009. The claim amendments and following remarks reflect the issues discussed during the interview.

In the Office Action, claim 32 was rejected under 35 U.S.C. § 112, second paragraph for allegedly failing to particularly point out and claim the subject matter which is regarded as the invention. Specifically, the Office Action asserts claim 32 recites the phrase "means for" . . . modified by some structure . . . ." Applicant has amended claim 32 to remove the "means for" language; therefore, this rejection is moot.

Applicant respectfully requests the withdrawal of the 35 U.S.C. § 102(b) rejection of claims 16 and 32 over U.S. Patent No. 6,580,385 to Winner et al. ("Winner") and the 35 U.S.C. § 103(a) rejection of claim 18 over Winner in view of U.S. Patent No. 7,051,827 to Cardinal et al. ("Cardinal").

Winner and Cardinal do not disclose or suggest a running support system in which "a probability that [an] object exists is calculated to be the highest when both [a] first object detecting portion and [a] second object detecting portion detect the object, the next

highest when only one of the first object detecting portion or the second object detecting portion detects the object, and the lowest when neither the first object detecting portion nor the second object detecting portion detects the object, and [a] control condition is changed in accordance with the calculated probability," as recited in amended claim 16. Amended claim 32 includes similar recitations.

As discussed during the interview, Winner does not disclose or suggest the above-mentioned features recited in the claims. Rather, Winner discloses that "[w]henever a target object is in the overlap zone of two detection zones, . . . the redundant measured values supplied from this overlap zone can be used for separate analysis, including primarily joint tracking of the detected objects in the overlap zone." See col. 8, ll. 31-39 of Winner. Cardinal does not remedy the deficiencies of Winner.

For at least these reasons, Applicant respectfully submits that the claim rejections should be withdrawn and that claims 16-30 and 32 are allowable.

Furthermore, the cited references do not disclose or suggest the subject matter recited in new claims 33 and 34. For example, neither Winner nor Cardinal discloses or suggests "an inattentive condition detecting portion that detects whether a driver is driving in an inattentive condition based on detection of an orientation of the driver's face, wherein a control condition for running support control performed by [a] running support portion is changed based on the inattentive condition of the driver detected by the inattentive condition detecting portion," as recited in claim 33. Claim 34 includes similar recitations. Accordingly, new claims 33 and 34 should be allowable.

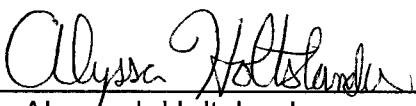
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge  
any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 26, 2009

By:   
Alyssa J. Holtslander  
Reg. No. 64,026  
(202) 408-4000